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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,753	06/01/2001	Gregory Scott Friedman	05146.00005	9903

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EXAMINER

BAKER, PAUL A

ART UNIT

PAPER NUMBER

2188

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,753

Applicant(s)

FRIEDMAN ET AL.

Examiner

Paul A. Baker

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 5,7,8 and 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,6,14,16 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 9,11,17 and 24 is/are rejected.
- 7) ☒ Claim(s) 10,12,13 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The examiner has made several attempts over a six-week period to contact the attorney of record in an effort to resolve all outstanding issues with the present application, in order to place it in a condition for allowance. A response has not been received and the rejection is set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. "Application of Compaction Technique to Optimizing Wireless Email Transfer" in view of Ulrich et al. US Patent 6,052,735.

In regards to claim 9, Chan discloses a method of caching information relating to a set of data items comprising:

in a first retrieval operation, retrieving and storing into a memory only a first hierarchical level of information corresponding to at least one of the data items on page 1534 Section III 3rd paragraph lines 9-12:

in a second retrieval operation separate from the first retrieval operation, retrieving and storing into the memory only a second hierarchical level of information

corresponding to the at least one of the data items on page 1534 Section III 3rd paragraph lines 10-21.

Chan does not disclose in a third retrieval operation separate from the first and second retrieval operations, retrieving and storing into the memory only a third hierarchical level of information corresponding to the at least one of the data items.

Ulrich discloses in column 3 lines 15-21 dynamically retrieving attachments on a per message basis. Both Chan and Ulrich are systems to reduce unnecessary bandwidth on a slow interconnect when synchronizing email between a personal device and a source. It is well known in the art that email is comprised of multiple sections one of which is an optional attachment. When the functionality of Ulrich is combined with Chan, Ulrich's selective attachment retrieval constitutes a third hierarchical level of information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transfer attachments within Chan as part of the hierarchical retrieval of information.

In regards to claim 11, Ulrich discloses in column 3 lines 15-21 the third level of hierarchical information is an attachment to each of the at least one of the data items.

In regards to claim 17, Ulrich discloses the set of data items are stored in a memory associated with a user's regular electronic mail account, and the first, second and third retrieval operations comprise storing the first, second and third hierarchical

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levels of information in a memory associated with a user's portable electronic mail account in figure 5 elements 3, 4, 6 and 8.

In regards to claim 24, Chan discloses the data items are electronic mail message data files on page 1534 Section III, 3rd paragraph.

Allowable Subject Matter

Claims 10, 12-13 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-4, 6, 14, 16 and 18-22 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In regards to claims 1 none of the prior art of record discloses the first hierarchical level comprises at least one identifier for uniquely identifying each of the at least one data items and the second level of hierarchical level of information comprises metadata for the at least one of the data items in combination with the other specified claim limitations. Chan, the closest available art of record, combines the unique identifier and metadata into a single hierarchical level of information. For this reason claim 1 is found allowable over the prior art of record.

Claims 2-4 and 16 are allowable as being dependent upon claim 1.

In regards to claim 14, none of the prior art of record discloses the first and second retrieval operations initiated in response to a first and second trigger, wherein the second trigger is different from the first, where the triggers are a predictive indicator of a user's preferences for retrieving information in combination with the other specified claim limitations.

Claims 18-22 are allowable as being dependent upon claim 14.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Baker whose telephone number is (571)272-4203. The examiner can normally be reached on M-F 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571)272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PB



9/28/05

MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER